

SUF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gilberto TORRES-Ordonez,

Defendant

) Magistrate Docket No.

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COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

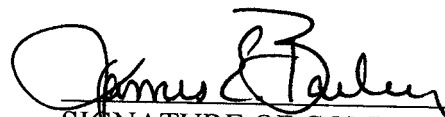
Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **January 06, 2008**, within the Southern District of California, defendant, **Gilberto TORRES-Ordonez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

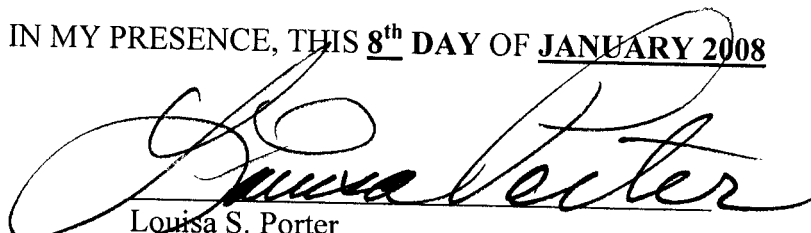
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Bailey

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF JANUARY 2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

SCF

CONTINUATION OF COMPLAINT:
Gilberto TORRES-Ordonez

PROBABLE CAUSE STATEMENT

On January 6, 2008, Agent D. Turner was performing line watch operations in the Imperial Beach Station's area of operations. At approximately 6:50 p.m., Agent Turner responded to a call from the Remote Video Surveillance System (RVSS) that there was a group of individuals running for the secondary fence at an area known as "Airport Mesa". Airport Mesa is approximately three miles east of the San Ysidro, California Port of Entry and approximately fifty yards north of the United States/Mexico international border. Agent Turner arrived at the reported location and the RVSS operator directed Agent Turner via radio to the last known location of one of the individuals. After a brief search of the area, Agent Turner found an individual, later identified as the defendant **Gilberto TORRES-Ordonez**, trying to conceal himself in a bush. Agent Turner identified himself as a Border Patrol Agent and attempted to conduct an immigration inspection when the defendant got up and attempted to elude Agent Turner by running northbound away from him. After a brief foot pursuit, the defendant gave up and complied with Agent Turner's commands. Agent Turner conducted an immigration inspection and the defendant freely admitted he was illegally present in the United States and that he was a citizen and national of Mexico. It was determined that the defendant did not have proper documents to enter or remain in the United States legally. At approximately 7:00 p.m., the defendant was placed under arrest and transported to the Imperial Beach Station for further processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 2, 2007** through **San Pedro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.